



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,261	03/12/2004	Aaron J. Johnson	D07.12-0007	8220

7590 02/07/2005

Nickolas E. Westman
Westman, Champlin & Kelly
Suite 1600
900 Second Avenue South
Minneapolis, MN 55402-3319

EXAMINER


MAMMEN, NATHAN SCOTT

ART UNIT	PAPER NUMBER
----------	--------------

3671

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 10/799,261	Applicant(s) JOHNSON, AARON J.	
	Examiner Nathan S Mammen	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8,9 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 3,7,10 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/21/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-6, 8, 9, 11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,228,280 to Ratzlaff et al.

The Ratzlaff '280 patent discloses a baler forming crop material into a cylindrical bale. The baler includes a mainframe and a bale-forming chamber. The bale-forming chamber has a plurality of bale-forming members (36) and an infeed region (Fig. 2, 56) for urging crop material into the bale chamber to be formed into a bale. The baler further comprises a conveyor (64) positioned below the infeed region (56) and underlying the bale-forming members (36). The powered conveyor (64) receives crop material passing through the gaps in the bale forming members and deposits the crop material onto the infeed members. See col. 5, lines 47-50.

Regarding claims 2, 4-6, 8, 11, 13: The conveyor extends across the width of the baler (see Fig. 5) and underlies the infeed region (See Fig. 2). The bale forming members (36) comprise a plurality of side-by-side belts having spaces between adjacent belts. The conveyor is a belt conveyor having a forward (62) and rear (58) roller, with one of the rollers powered. The baler further includes a trough (70) and a drum (58) cooperating with the trough.

Art Unit: 3671

3. Claims 1, 9, 11, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,255,501 to McWilliams.

The McWilliams '501 patent discloses a baler having a bale chamber (51) formed of a plurality of bale forming members (60, 61) and an infeed region (57) for urging crop material into the bale chamber. The baler further comprises a powered conveyor (69) underlying the bale forming chamber. The conveyor has a conveyor member for receiving crop material passing through the gaps of the bale forming members and a support and drive for moving the conveyor member towards the in-feed members to deposit the crop material onto the in-feed members (via 66-68, 75-77).

Regarding claims 11 and 12: The conveyor (69) is a belt conveyor having a pair of rollers and a continuous belt.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,228,280 to Ratzlaff et al.

The Ratzlaff '280 patent discloses the claimed invention, as stated in paragraph 2 above, except for the conveyor belt being a single belt extending the entire width. Instead, the Ratzlaff '280 patent utilizes a plurality of side-by-side belts. However, it would have been an obvious matter of design choice to utilize a single belt in place of a plurality of side-by-side belts.

Art Unit: 3671

Allowable Subject Matter

6. Claims 3, 7, 10, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

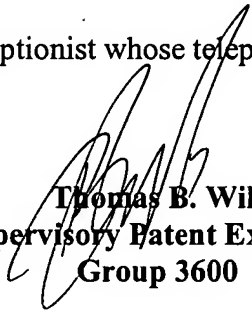
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

NSM
2/2/05

Nathan S. Mammen